

MINUTES
City Council Meeting
Monday, February 20, 2017 – 6:00 p.m.

Call to order: Mayor Bethune welcomed everyone can called the meeting to order at 6:00 p.m.

Opening: Mayor Bethune offered the opening prayer and invited everyone to join in the pledge of allegiance to the flag.

Roll Call:

Members: Mayor Don Bethune presided. **Council Members:** Bruce Campbell, Rosetta Cody, Marcia Daniel, Debbie Ruiz and Kim Tice. **Absent:** Bessie Kicklighter, Council Member.

Staff: Ron Feldner, City Manager; Rhonda Ferrell-Bowles, Clerk of Council; James P. Gerard, City Attorney; Ben Brengman, IT Director; David Lyons, Chief of Police; Cliff Ducey , Recreation Director; Pam Franklin, HR Director; Corbin Medeiros, Interim Fire Chief; Jackie Jackson, Special Projects Coordinator, Benny Gooze, Public Works Director; Ron Alexander, Planning Director and Charles Draeger, Water Operations Director.

Presentation: Mayor Bethune and Ron Alexander, Planning Director presented a plaque to Mr. Danny Nelson in recognition of his years of service on the Planning Commission & Board of Zoning Appeals. He said Mr. Nelson has served on the Planning Commission & Board of Zoning Appeals since 2009 and will be greatly missed.

Mr. Nelson said this means a lot to me and thanked Mayor Bethune and Council. He said I have enjoyed my time on the Planning Commission. He said I learned a lot from Mayor Pro-tem Campbell when he was on the Planning Commission and from staff. He said it was a great experience and I learned a lot about the community and working with the board.

Informal Public Comment: Mayor Bethune opened the floor to received public comment from the audience. There being no questions or comments from the audience, Mayor Bethune closed the public comment portion of the meeting.

Discussion of Community Development Block Grant (CDBG) Application: Discussion of Conflict of Interest requirements related to an application to the Georgia Department of Community Affairs for a FY2017 CDBG to undertake water system improvements in the Rossignol Hill area of the City.

Councilmember Cody said I wanted to formally notify you that my residing in the Rossignol Hill Area which stands to benefit from the Community Development Block Grant (CDBG) for which the City is considering applying for tonight, to improve that area's water system creates a conflict of interest issue preventing me from discussing, deliberating upon, or voting on the matter. To do otherwise would create the appearance of impropriety which I wish to avoid at all costs. I did want to say, however, that if the CDBG application were to be approved and the water rehabilitation program was performed, my property in Rossignol Hill would receive exactly the same benefits as my Rossignol Hill neighbors. (Councilmember Cody's conflict of interest letter included as part of the minutes).

Public Hearings:

PC1750, Rezoning Request: Mayor Bethune opened the public hearing to receive public comment on a request by McAllaster Financial LP, property owner, to rezone 1136 Dean Forest Road from R1 to C2 and 1140 Dean Forest Road from R1N to C2.

Planning Director said at the recent Planning Commission meeting the Commission denied the request. He said Commissioner Selph made a motion to recommend that the petition be amended as a mixed use zoning district. He said the petitioner wants to remain with his request for C-2. He said recommends approval of the C-2, because it is a logical extension and there are already several properties in the area used as commercial. He said it meets the zoning criteria.

Mayor Bethune asked if there will be a retention pond for storm runoff. Planning Director said the plan has a retention pond.

Mayor Bethune asked if he will have to be on a septic tank system. Planning Director said he will. He said the Health Department can approve the phase or approve in phases. He said he can do individual septic tanks for each building

Mayor Bethune said didn't we turn a former petitioner down in this area. Planning Director said yes. He said the property was too low to build on and it would have to be built up.

Councilmember Daniel asked if this backs up to the canal. Planning Director said yes.

Councilmember Daniel asked if outdoor storage would be permitted. City Attorney said under C-2 outdoor storage is permitted.

Planning Director said yes it is permitted and you can control by buffers and screenings.

Councilmember Daniel said I'm concerned about the old oak trees on the property. Planning Director said our tree ordinance does not allow him to take the oak trees out.

Mayor Bethune asked if the ordinance addresses the pavement not being in the drip line. Planning Director said yes and he understands that we aren't going to let him get into the root line of the trees.

There being no further questions from City Council, Mayor Bethune asked if there was anyone in the audience who wished to speak in favor of the rezoning.

Mr. Richard McAllaster said I have been in commercial real estate for 25 years and have improved two major businesses in Garden City on Augusta Road and Dean Forest Road. He said I'm looking at putting a total of six buildings in phases with 8000 square feet of warehouse and 1000 square feet of office space. He said I'm looking at landscaping and contracting type businesses locating there. He said the house that is already there would be used as an office building and I plan to keep the oak trees in place. He said I have communicated our plans to the neighbors and they seem comfortable with what we are doing. He said we will be very careful of the old oak trees. He said there are four major oak trees that are probably over 300 years old.

Councilmember Daniel said I want you to understand how important those oak trees are too me. I do not want to see them harmed.

Mr. McAllaster said the oak trees already form a perfect set up for this type of development. He said the entrances to the property are already in place. He said I do not believe that we will be encroaching on

the drip line. He said we may have to modify the parking lot a little due to the oak trees, but we will be very careful of the of the oak trees.

Councilmember Daniel said alright, I want it recorded in the minutes that you told me that you would not harm the oak trees.

Mr. McAllaster said we have done a lot of work to make sure that the plan works for this project. He said we have looked at the property from the standpoint of the oak trees remaining.

Councilmember Daniel said will the warehouses have bay doors? Mr. McAllaster said yes, but they will not face Dean Forest Road.

Councilmember Daniel said I want to make sure that what is going in here is in line with our Town Center development. Mr. McAllaster said I feel it is in keeping with the Town Center development.

Councilmember Tice said what do you foresee coming into these buildings? Mr. McAllaster said landscaping, heating and air, etc., that need office and equipment storage space.

Councilmember Tice said you have no plans for an auto repair companies coming into these buildings. He said I can't say that I will not get inquiries from auto repair companies.

Mr. McAllaster said the plan requires full landscaping, fencing and buffers.

There being no further questions or comments, Mayor Bethune asked if there was anyone opposed who wished to speak.

Mr. Tim Jones, 1128 Dean Forest Road, said I own the Pest Control Company, and would rather see the area used as our neighborhood uses it. He said I had planned to build a house at the back of my lot, but the zoning will run us out. This is not something I would like to see, because it will change the neighborhood.

Mayor Bethune said the Planning Commission makes a recommendation to Council. He said Council is not scheduled to vote on this two weeks from tonight.

Mr. Vinson Dickey, 1142 Dean Forest Road said before it was two buildings now it is more buildings. He said that is a lot of water runoff when the whole project is done with buildings and concrete. He said the property is already low. He said I have lived there 70 years and I don't want to get run off of my property. He said I want protection so I can continue living there.

There being no further comments or questions, Mayor Bethune closed the public hearing.

Alcoholic Beverage License Application: Mayor Bethune opened the public hearing to receive public comment on an alcoholic beverage license application made by Vrvitaben A. Patel to sell wines, beer and/or malt beverages at Exxon 21 LLC, 4801 Augusta Road.

There being no questions or comments, Mayor Bethune closed the public hearing.

Alcoholic Beverage License Manager's Application: Mayor Bethune opened the public hearing to receive public comment on an alcoholic beverage license manager's application made by Danshan Jumar Patel to sell wines, beer and/or malt beverages at Exxon 21 LLC, 4801 August Road.

There being no questions or comments, Mayor Bethune closed the public hearing.

City Council Minutes: Upon motion by Councilmember Campbell, seconded by Councilmember Tice, City Council voted unanimously to approve the city council minutes dated 2/6/17.

Staff Reports:

Planning Director presented the Planning, Zoning & Building Department's report.

Mayor Bethune asked the Planning Director if he would be accompanying the fire department personnel to do fire inspections since fire department personnel will now be doing the fire inspections. Planning Director said I'm planning to train them.

Mayor Bethune said I would like thank you and Patrick for the working with the Garden City Housing Team the CDBG houses. He said the Housing Team just received approval from DCA to move forward with the houses. He said I'm sure you and Patrick will be an integral part of the housing projects. Planning Director said it is a great program and it is helping to fix a lot of the blight areas of the City.

Councilmember Daniel said the pictures of the Gould Elementary School are pretty bad. Planning Director said the school is very old and they are making it safe until they can be replaced. He said a lot has been done to address the issues pictured in my report.

Water Operations Director presented the Water Operations Department's report.

Chief of Police presented the Police Department's report.

Mayor Bethune asked if City Council was going to start receiving reports on the code officers. Chief of Police replied, yes.

Mayor Bethune said I see the officers running radar and I commend you and your officers for what you are doing.

Interim Fire Chief presented the Fire Department's report.

City Manager Updates: City Manager said I have no updates.

Items for Consideration:

Alcoholic Beverage License Application: Mayor Bethune said we have for consideration an alcoholic beverage license application made by Vrvitaben A. Patel to sell wines, beer and/or malt beverages at Exxon 21 LLC, 4801 Augusta Road.

Upon motion by Councilmember Campbell, seconded by Councilmember Cody, City Council voted unanimously to approve the alcoholic beverage license application.

Alcoholic Beverage License Manager's Application: Mayor Bethune said we have for consideration an alcoholic beverage license manager's application made by Danshan Jumar Patel to sell wines, beer and/or malt beverages at Exxon 21 LLC, 4801 August Road.

Upon motion by Councilmember Campbell, seconded by Councilmember Daniel, City Council voted unanimously to approve the alcoholic beverage license manager's application.

Adjournment: Mayor Bethune called for a motion to adjourn. Upon motion by Councilmember Campbell, seconded by Councilmember Cody, City Council adjourned the meeting at 7:12 p.m.

Transcribed & submitted by Clerk of Council

Accepted & approved by City Council 3/6/17

***COUNCILPERSON ROSETTA CODY
4109 5th STREET
GARDEN CITY, GA 31408***

February 13, 2017

Mayor & Council of Garden City, Georgia
Garden City City Hall
100 Central Avenue
Garden City, GA 31405

Re: Conflict of Interest on CDBG Grant for Rossignol Hill Water System Rehabilitation

Dear Mayor and Council:

I wanted to formally notify you that my residing in the Rossignol Hill Area which stands to benefit from the Community Development Block Grant (CDBG) for which the City is considering applying for tonight, to improve that area's water system creates a conflict of interest issue preventing me from discussing, deliberating upon, or voting on the matter. To do otherwise would create the appearance of impropriety which I wish to avoid at all costs. I did want to say, however, that if the CDBG application were to be approved and the water rehabilitation program was performed, my property in Rossignol Hill would receive exactly the same benefits as my Rossignol Hill neighbors.

If you have any questions concerning my conflict of interest issue on this matter, please let me know.

Very truly yours,

ROSETTA CODY
Garden City Councilperson